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**Date:** 1/29/2007 7:53:34 AM  
**Subject:** Mine Plan determinations - Dugout Canyon

Attached are OSM's final decisions regarding the need for Mining Plan Modifications for the above subject. Signed copies will be sent to you in today's mail.

In accordance with the Federal regulations under 30 CFR 740.13(d), other Federal agencies that may have an interest in, or jurisdiction over, the above subject operation have also been notified of OSM's decision electronically.

No responses to this transmittal are necessary.

Carl R. Johnston

Natural Resource Specialist

OSMRE / WR / PSD / NWB

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UT-0041

January 29, 2007

Utah Division of Oil, Gas, & Mining  
Coal Regulatory Program  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

RE: Canyon Fuel Company, LLC. - "Dugout Canyon" Mine - Application for a Permit  
Revision, Addition of 40 Acres, Task ID No. 2729

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas & Mining's (UT-DOGM) January 11, 2007, request for a decision, under 30 CFR 944.30, whether the above subject permit revision constitutes a mining plan modification.

Mining plan approvals by the Secretary of the Interior are required under the Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.* before coal mining can occur on Federal lands. This letter serves to document OSM's determination whether or not a mining plan approval from the Secretary is required for the above permitting action.

OSM's review of the Application for a Permit Revision, Addition of 40 Acres, has determined that it proposes to add 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 21, T.13 S., R. 13 E. of Federal lease U-07064-027821 to the permit area of the Dugout Canyon mine, Utah State permit C/007/039.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposal meets the requirements of 30 CFR 746.18(d)(3)(ii). Therefore, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

OSM's decision was based solely upon the Federal regulations under 30 CFR PART 746 and not the technical aspects of the revision application itself. Consequently, OSM's decision does not relieve UT-DOGM from coordinating the review and approval of the Application for a Permit Revision, Addition of 40 Acres, with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the January 11, 2007, request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic submittal dated January 25, 2007, the U.S. Forest service stated in had no comments or concerns with the application for a permit revision.

In an electronic transmittal dated January 18, 2007, the Bureau of Land Management stated in its opinion the permit revision did not constitute a mining plan action requiring Secretarial approval.

Please notify the applicant of our decision on this matter.

Should you have any questions regarding this letter or approval, please contact Carl R. Johnston, Utah Federal Lands coordinator, at (303) 844-1400, extension 1500.

Sincerely,

Ranvir Singh  
Manager, Northwest Branch

cc: BLM - Utah State Office  
BLM - Price Field Office  
USFS - Manti-La Sal NF  
Denver Field Division

UT-0041

January 29, 2007

Utah Division of Oil, Gas, & Mining  
Coal Regulatory Program  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

RE: Canyon Fuel Company, LLC. - "Dugout Canyon" Mine - Application for a Permit  
Revision, Addition of 480 Acres, Task ID No. 2730

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas & Mining's (UT-DOGM) January 11, 2007, request for a decision, under 30 CFR 944.30, whether the above subject permit revision constitutes a mining plan modification.

Mining plan approvals by the Secretary of the Interior are required under the Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.* before coal mining can occur on Federal lands. This letter serves to document OSM's determination whether or not a mining plan approval from the Secretary is required for the above permitting action.

OSM's review of the Application for a Permit Revision, Addition of 480 Acres, has determined that it proposes to add 480 acres in the portions of Sections 17, 18 and 21, T.13 S., R. 13 E. of Federal lease U-07064-027821 to the permit area of the Dugout Canyon mine, Utah State permit C/007/039.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposal meets the requirements of 30 CFR 746.18(d)(3)(ii). Therefore, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

OSM's decision was based solely upon the Federal regulations under 30 CFR PART 746 and not the technical aspects of the revision application itself. Consequently, OSM's decision does not relieve UT-DOGM from coordinating the review and approval of the Application for a Permit Revision, Addition of 480 Acres, with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the January 11, 2007, request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic submittal dated January 25, 2007, the U.S. Forest service stated in had no comments or concerns with the application for a permit revision.

In an electronic transmittal dated January 18, 2007, the Bureau of Land Management stated in its opinion the permit revision did not constitute a mining plan action requiring Secretarial approval.

Please notify the applicant of our decision on this matter.

Should you have any questions regarding this letter or approval, please contact Carl R. Johnston, Utah Federal Lands coordinator, at (303) 844-1400, extension 1500.

Sincerely,

Ranvir Singh  
Manager, Northwest Branch

cc: BLM - Utah State Office  
BLM - Price Field Office  
USFS - Manti-La Sal NF  
Denver Field Division

UT-0041

January 29, 2007

Utah Division of Oil, Gas, & Mining  
Coal Regulatory Program  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

RE: Canyon Fuel Company, LLC. - "Dugout Canyon" Mine - Application for a Permit  
Revision, Waste Analysis Lab Data, Task ID No. 2720

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas & Mining's (UT-DOGM) December 28, 2006, request for a decision, under 30 CFR 944.30, whether the above subject permit revision constitutes a mining plan modification.

Mining plan approvals by the Secretary of the Interior are required under the Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.* before coal mining can occur on Federal lands. This letter serves to document OSM's determination whether or not a mining plan approval from the Secretary is required for the above permitting action.

OSM's review of the Application for a Permit Revision, Waste Analysis Lab Data, has determined that it proposes to add the laboratory data for waste material being stored at a refuse pile to the approved permit application package for the Dugout Canyon mine, Utah State permit C/007/039.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposal does not meet the requirements of 30 CFR 746.18(d). Therefore, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

OSM's decision was based solely upon the Federal regulations under 30 CFR PART 746 and not the technical aspects of the revision application itself. Consequently, OSM's decision does not relieve UT-DOGM from coordinating the review and approval of the Application for a Permit Revision, Waste Analysis Lab Data, with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the December 28, 2006, request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic submittal dated January 4, 2007, the U.S. Forest service stated in had no comments or concerns with the application for a permit revision.

The Bureau of Land Management did not provide any comments in the thirty day time frame established by the Federal regulations under 30 CFR 944.30, Article VI. D.

Please notify the applicant of our decision on this matter.

Should you have any questions regarding this letter or approval, please contact Carl R. Johnston, Utah Federal Lands coordinator, at (303) 844-1400, extension 1500.

Sincerely,

Ranvir Singh  
Manager, Northwest Branch

cc: BLM - Utah State Office  
BLM - Price Field Office  
USFS - Manti-La Sal NF  
Denver Field Division